178 Since those remote times, the Burmese customary law has
671 developed naturally, side by side with the growth and development of Burmese society. The Burmese have no great national code of laws gathered and authorized by a powerful king, no great charter forced from an unwilling king, no great statute passed by a national assembly fighting against tyranny, but nonetheless the Burmese customary law shows a conception of justice and a love of personal liberty in which every Burmese must take pride.

671 To the Burmese, before the partial introduction of the
643 English legal system, law meant civil law. To them, civil law was purely customary, and besides custom, there could be no other source of law. The idea of legislation by a parliament or a congress, or by executive order of the king was unfamiliar to the Burmese. In English common law, the king could do no
[685 wrong, and thus he was above the law. But with the Burmese,
694] the king himself was not exempt from the operation of the civil law, and the king was often the defendant in civil suits, usually for wrongful seizure of land. Admittedly the king was above his subjects, and he had the right to levy taxes in service or in kind, but he was also under a duty to give protection to the people. To protect the people and to preserve the peace, the king must prevent wrong-doing and punish wrong-doers, and it was for the king to proclaim which acts were wrongs from the point of view of public peace. Thus, at the beginning of each reign, the king proclaimed his list of crimes, and the punishments he would mete out to those who were found guilty of those crimes.

671 The list of crimes varied with each king, but the usual
681 crimes were offenses against the state, murder, robbery, theft, rape, and serious defamation. The usual penalties were whipping, confinement in irons, maiming, banishment, and death, with or without forfeiture to the king's treasury of the of-
[684] fender's possessions. In the eighteenth century, adultery was added to the list of crimes, with the punishment of whipping for both the woman and her paramour, and proclamation of their guilt by beat of drums and gongs. In the nineteenth

30: Maung Htin Aung E-4 (no date) 1953 AP1 Burma
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original and appellate jurisdiction. These officers were executive officers under the crown, but when they sat as judges in their respective courts, they were judges in the full sense of the term, for they were free of all executive control. Finally there was the Supreme Court. This final court of appeal consisted of the king as the president, the crown prince as the vice-president, the four chief ministers, and their four deputies. The king, however, attended only on rare occasions, and thus the crown prince usually presided over the court. The law that these courts administered and interpreted was the customary law of the Burmese people. One special feature of the courts was their attempt to settle the case before actually trying it. Lawyers, who were attached to the courts as officers, although their fees were payable by the litigants, also endeavored to conciliate the contending parties. Often the parties decided to refer their suit to an arbitrator. There was no right of appeal from the decision of an arbitrator, on the ground that the arbitrator was chosen by the contending parties themselves. When a suit had been heard and decided, the successful party offered a dish of pickled tea to the other party, and if the latter accepted, the parties were deemed to have been reconciled, and there could be no appeal from the decision of the court. The refusal of the unsuccessful party to accept the offered dish of pickled tea served as his notice of appeal.

Burmese history, like the history of many countries, records rebellions, invasions, and violent struggles for power, but the development of Burmese customary law has been singularly free from catastrophes and sudden changes. There has never been a revolution in the Burmese customary law. However, the law in the course of its long history experienced three great impacts with the outside world. The first was the impact of Hindu jurisprudence, second was the impact of Buddhism, and the third was the impact of English law as the result of the British conquest of the country towards the end of the nineteenth century.

Some of my colleagues of this conference have already